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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,107	03/12/2004	David Joseph Easton	16292-US	7676

7590

07/02/2004

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EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,107

Applicant(s)

EASTON ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 031204.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Boe *et al.*

‘527.

With respect to claim 1, note lines 1-9 of the abstract.

As to claim 7, note lines 1-9 of the abstract and col. 3, lines 15 and 16.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Easton *et al.* ‘775.

Note lines 8 and 9 of the abstract.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Rutledge *et al.* ‘219.

Note col. 1, lines 39-43.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boe *et al.* ‘527 in view of Rutledge *et al.* ‘219.

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Boe *et al.* '527 shows the system as noted.

Claim 2 distinguishes over Boe *et al.* '527 in requiring the control unit to modify the valve command signal by a predetermined magnitude in response to momentary deflection of the command lever to one of the deflected positions, said magnitude being independent of an amount and duration of deflection of the command lever if the duration is not more than a predetermined duration.

Note col. 1, lines 39-43 of Rutledge *et al.* '219.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have required the control unit of Boe *et al.* '527 to modify the valve command signal by a predetermined magnitude in response to momentary deflection of the command lever to one of the deflected positions, the magnitude being independent of an amount and duration of deflection of the command lever if the duration is not more than a predetermined duration as disclosed in Rutledge *et al.* '219 for greater hitch control.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boe *et al.* '527 in view of Gregerson '622.

Boe *et al.* '527 shows the system as noted.

Claim 3 distinguishes over Boe *et al.* '527 in requiring when the command lever is moved out of its centered position and held for at least a certain time period in a displaced position within said proportional range, the control unit modifies the valve command signal and moves the hitch at a rate proportional to a magnitude of the displacement of the command lever from the centered position.

Note col. 3, lines 11-13 of Gregerson '622.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have required when the command lever is moved out of its centered position and held for at least a certain time period in a displaced position within said proportional range, the control unit to modify the valve command signal and moving the hitch at a rate proportional to a magnitude of the displacement of the command lever from the centered position as disclosed in Gregerson '622 for greater hitch control.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe *et al.* '527 in view of Ostler *et al.* '365.

Boe *et al.* '527 shows the system as noted.

The claims distinguish over Boe *et al.* '527 in requiring (1) the command lever to have a raise detent position displaced from its centered position, and when the command lever is moved into the raise detent position, the control unit to modify the valve command signal to cause the hitch to raise to an upper limit position (as required in claim 4); (2) the command lever to have a lower detent position displaced from its centered position, and when the command lever is moved into the lower detent position, the control unit modifies the valve command signal to cause the hitch to lower to a lower limit position (as required in claim 5); and (3) the actuator to comprise a hydraulic hitch cylinder, a raise valve for communicating the hitch cylinder with a pressure source and a lower valve for communication the hitch cylinder with a reservoir; the command lever having a float position displaced from its centered position, and when the command lever is moved into the float position, the control unit generating a valve command signal which causes the lower valve to open so that the hitch will move to a lowest mechanically allowed position (as required in claim 6).

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Note col. 6, lines 60-65 of Ostler *et al.* '365.

It would have been obvious to one of ordinary skill in the art to have provided Boe *et al.* '527 with the structure noted of Ostler *et al.* '365 for greater control.

Allowable Subject Matter

Claims 9-11 are allowed.

Conclusion

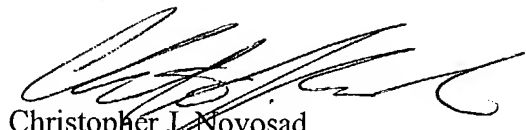
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. With respect to claim 9, Lansberry utilizes a closed loop pump, not a closed loop control unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher I. Novosad
Primary Examiner
Art Unit 3671

June 28, 2004